IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. : 9040 OF 2005

Between:

1. Attota Chenchu Ramaiah S/o.Narasimham, Aged 57 years, R/o.Naladalapur Village, Valetivaripalem Mandal Prakasam

District.
2. Mannam Venkateswarlu S/o.Chinnaiah, Aged 35 years, R/o.Naladalapur Village, Valetivaripalem Mandal Prakasam

District.

..... PETITIONERS

AND

1. The District Election Authority Cum-District Collector, Ongole,

Prakasam District.
2. The Revenue Divisional Officer Kandukuru Revenue Division,

Kandukuru, Prakasam District.

3. The Election Officer-Cum-Mandal Revenue Officer The

Naladalapur Water Users Association, naladalapur
Valetivaripalem Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying

that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in proposing to conduct the elections to Naladalapur Water Users Association, Naladalapur Village, Valetivaripalem Mandal, Prakasam District scheduled to commence from 25.4.2005 or on in any other subsequent date, as illegal, contrary to law, arbitrary and to pass such other order or orders.

Counsel for the Petitioner: MR.VENKATESWARLU POSANI

Counsel for the Respondent 1 to 3: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

The petitioners herein are landholders and voters of Naladalapur Water Users' Association. While so, the third respondent herein published draft voters list on 9.2.2005 calling objections for the inclusion of 80 persons to the already existing list of 270 voters, to which the petitioners and others objected for inclusion of 40 persons, but without scrutiny of the same, the 3rd respondent herein published the same list on 4.4.2005 without deleting any name. Aggrieved of the same, the petitioners and others preferred appeal to the 2nd respondent on 11.4.2005 and an application to the Dist. Collector on the same day. While so, the 2nd respondent issued notices to the petitioners informing that an enquiry will be conducted on 16.4.2005 at 11.00 a.m. in his office on the appeal preferred by them regarding the voters list of Naladalapur Water Users' Association and, therefore, directed them to appear before him with evidence. On 19 4.2005, the first respondent through newspapers notified that the elections to the Water Users' Association will be conducted on 26.4.2005. Aggrieved of the same, the present writ petition is filed.

Evidently, the 3rd respondent Mandal Revenue Officer published the draft voters list on 9.2.2005 calling for objections and objections were raised by the petitioners and others in respect of as many as 40

persons for their inclusion as voters, but without considering the same the 3rd respondent published final voters list on 4.4.2005 and an appeal came to be filed before the 2nd respondent by the petitioners.

It is submitted by the learned Government Pleader for Irrigation that in terms of the amendment to Rule 10 of the A.P. Farmers Management to Irrigation Systems (Delineation and Formation of Water Users' Association), Rules, the District Collector alone is competent to consider the objections and not the Revenue Divisional Officer. Therefore, the objections filed by the petitioners to Revenue Divisional Officer – 2nd respondent, cannot be considered.

Having regard to this submission, since the District Collector is competent to consider the objections, the notice dated 13.4.2005 issued by the 2nd respondent herein is quashed and the District Collector, Prakasam, is directed to dispose of the objections filed before the Revenue Divisional Officer, Kandukuru, on 11.4.2005 to the Voters' List before 25.4.2005.

The writ petition is accordingly disposed of. No order as to costs.

Elipe Dharma Rao, J.

April 21, 2005

MAS.

To

1. The District Election Authority Cum-District Collector, Ongole,

Prakasam District.

2. The Revenue Divisional Officer Kandukuru Revenue Division,

Kandukuru, Prakasam District.

3. The Election Officer-Cum-Mandal Revenue Officer The

Naladalapur Water Users Association, naladalapur
Valetivaripalem Mandal, Prakasam District.

4. Two copies to the Govt. Pleader, Irrigation and Command

Area Development, A.P. High Court Buildings, Hyderabad.

5. 2 CD copies

6. 1 CC to MR.VENKATESWARLU POSANI

*Form-NIC-OGS/WP{**MPL**}*